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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,128	12/07/2000	Michael E. Gilleland	NORT-0081 (12964DMUS01U)	9613
21906	7590	05/10/2006	EXAMINER LIM, KRISNA	
TROP PRUNER & HU, PC 8554 KATY FREEWAY SUITE 100 HOUSTON, TX 77024			ART UNIT 2153	
PAPER NUMBER				

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Applicant's arguments that Holden is disqualified as prior art under 35 U.S.C. § 103 c) and the request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-18, 33-38 and 41, drawn to a method comprising the steps of: a) receiving a call request ...; b) looking up information about the calling part ...; and c) receiving and providing the information about the calling party, classified in class 370, subclass 201.07.
- II. Claims 19-32, drawn to an apparatus comprising: a) an interface to receive an invitation comprises a Session Initiation Protocol message ...; and b) a controller communicatively coupled to the interface for providing information regarding purchases of the calling party ..., classified in class 370, subclass 88.18.
- III. Claims 39-40, drawn to a method of establishing a call session in a data network comprising the steps of: a) intercepting a Session Initiation Protocol message ...; b) storing information regarding purchase ...; and c)

transmitting the Session Initiation Protocol message, classified in class 370, subclass 70.

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed of Invention I, claims 1-18, 33-38 and 41, does not require an apparatus comprising: a) an interface to receive an invitation comprises a Session Initiation Protocol message ...; and b) a controller communicatively coupled to the interface for providing information regarding purchases of the calling party ... and the subcombination Group II, claims 19-32, does not require: a method comprising the steps of: a) receiving a call request ...; b) looking up information about the calling part ...; and c) receiving and providing the information about the calling party.

Inventions I and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed of Invention I, claims 1-18, 33-38 and 41, does not require a method of establishing a call session in a data network comprising the steps of: a) intercepting a Session Initiation Protocol message ...; b) storing information regarding purchase ...; and c) transmitting the Session Initiation Protocol message. And the subcombination Group III, claims 39-40, does not require: the steps of: a) receiving a call request ...; b) looking up information about the calling part ...; and c) receiving and providing the information about the calling party.

Inventions II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed of Invention II, claims 19-32, does not require a method of establishing a call session in a data network comprising the steps of: a) intercepting a Session Initiation Protocol message ...; b) storing information regarding purchase ...; and c) transmitting the Session Initiation Protocol message. And the subcombination Group III, claims 39-40, does not require: an apparatus comprising: a) an interface to receive an invitation comprises a Session Initiation Protocol message ...; and b) a controller communicatively coupled to the interface for providing information regarding purchases of the calling party.

5 For example, the searches for these two inventions would not be co-extensive because these groups would require different searches on PTO's classification class and subclass as following:

- 1) The Group I search (claims 1-18, 33-38 and 41) would require use of search class 370, subclass 201.07 (which would not required for the groups II and III).
- 2) The Group II search (claims 19-32) would require use of search class 370, subclass 88.18 (which would not required for the groups I and III).
- 3) The Group III search (claims 39-40) would require use of search class 370, subclass 70 (which would not required for the groups I and II).

A shortened statutory period for response to this action is set to expire 30 days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

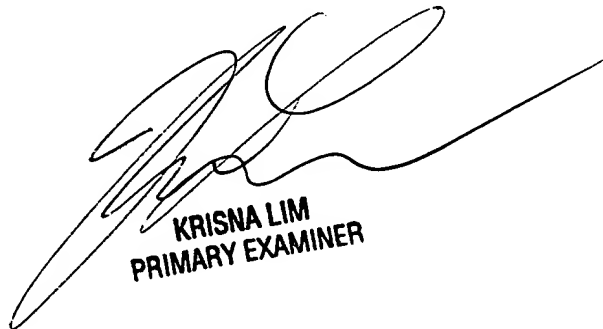
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

May 5, 2006



KRISNA LIM
PRIMARY EXAMINER